

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10176-RWZ
)	
HERIBERTO RUIZ,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION TO DECREASE OFFENSE LEVEL BY ONE
ADDITIONAL LEVEL FOR ACCEPTANCE OF RESPONSIBILITY**

The United States, by and through its attorneys, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Antoinette E.M. Leoney, Assistant U.S. Attorney, hereby moves, pursuant to U.S.S.G. §3E1.1(b) (effective April 30, 2003) and to the extent prescribed by U.S.S.G. §1B1.11, for an additional one level decrease in Defendant Heriberto Ruiz's offense level for acceptance of responsibility. The defendant is scheduled to be sentenced on September 8, 2005.

As grounds therefore, the government states that the defendant has assisted authorities in the investigation and prosecution of his own misconduct by timely notifying authorities of his intention to enter a guilty plea, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently.

WHEREFORE, the government respectfully requests that the Court impose an additional one level decrease in Defendant

Heriberto Ruiz's offense level for acceptance of responsibility.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
(617) 748-3100

Date: August 31, 2005

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
August 31, 2005

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing by electronic notice to Stephen A. Jonas, Esq., Daniel R. Margolis, Esq., and Sarah E. Ragland, Esq., Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, MA 02109.

/s/ Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY